Remarks

Claims 1-5 and 8-11 are currently pending.

Claim 1 (and its dependent claims 2-5) are directed to a multivalent, recombinant raccoon poxvirus which can infect and replicate in feline cells, and which contains more than one exogenous gene inserted into the thymidine kinase (TK) gene of the raccoon poxvirus (RPV) genome, wherein the exogenous genes each encode a feline pathogen and are operably linked to a promoter.

Claim 8 (and its dependent claims 9-11) is directed to a method of vaccinating a feline against feline pathogens. The method comprises the steps of administering to a feline a prophylactically effective amount of a multivalent recombinant RPV which can infect and replicate in feline cells, wherein the recombinant RPV has more than one exogenous gene inserted into the RPV TK gene.

It is respectfully pointed out that claim 12 is dependent upon claim 11 and appears to have been inadvertently left out of Group I claims.

Rejection under 35 USC 102(e)

The Examiner has rejected claims 1-5 and 8-11 under 35 USC 102(e) as being unpatentable over Wasmoen et al. (U.S. Patent No. 5,770,211). The 102(e) date for Wasmoen et al. is September 22, 1993. Applicants respectfully request the Examiner to withdraw this rejection for the following reasons. The instant application is a continuation of Application No. 08/552,369 (now issued as Patent No. 6,241,989 ("the '989 patent"), which is a continuation-in-part of Application No. 08/190,789, which in turn is a continuation of Application No. 07/726,609 ("the '609 application"). The '609 application was filed on July 9, 1991. Accordingly, the earliest priority date for the instant application is July 9, 1991. As requested by the Examiner, a copy of the '609 application is enclosed herewith.

The '609 application discloses an infectious recombinant RPV having a first exogenous gene inserted into the RPV TK gene (page 15, lines 21-24). Further, the application discloses a recombinant RPV comprising a second exogenous gene from a second

viral source (page 15, lines 25-28; page 42, lines 13-23). The construction of a chimeric plasmid used for inserting a parvovirus gene (VP2) into an RPV genome is disclosed in Example I (pages 24-25) and is graphically depicted in Figure 1. A method for the insertion of the parvovirus gene into the RPV TK site is disclosed in Example II (pages 26-27) and is graphically depicted in Figure 2.

Applicants point out the '609 application also discloses the use of a recombinant RPV expressing more than one exogenous gene as a vaccine (page 15, lines 25-28) to achieve protection from a number of different diseases with a single recombinant viral inoculation (page 42, lines 13-23). The use of recombinant RPV as a vaccine in cats is disclosed in Example V (page 31). The efficacy of the vaccine in raising antibodies to an exogenous gene is disclosed in Example VI (pages 32 and 34) and Table 1 (page 33). Additional characterization of immunological responses in cats after vaccination using recombinant RPV is provided in Examples VII and VIII and Tables 2-5.

Rejection under 35 USC 103(a)

It appears the Examiner has also imposed a rejection of claims 1-5 and 8-11 under 35 USC 103(a) based on Wasmoen et al. However, in light of the arguments presented above, Applicants respectfully submit this rejection is rendered moot.

Conclusion

Applicants submit that the instant application should be accorded the priority of the '609 application which was filed on July 9, 1991. Based on this, Applicants respectfully request the Examiner to withdraw the cited reference and to allow all the pending claims. Further, Applicants also respectfully request the Examiner to include dependent claim 12 in the allowed claims and reconsider joining claims 6 and 7.

It is believed no fee is due with this response. However, if any fee is due, the USPTO

is authorized to charge Deposit Account no. 08-2442.

Respectfully submitted,

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